

ELMIRA COLLEGE

Elmira College Policy on Free Speech

2/29/24

History and Background

Elmira College was founded at a time when ideas about human rights and opportunity permeated much of the thinking in Upstate New York. The first gathering devoted to women's rights in this country was held in nearby Seneca Falls, NY in 1848 with almost 200 women in attendance. Frustratingly, it would take more than seventy years for the 19th Amendment, guaranteeing women the right to vote, to be ratified. In 1855, the spirit that animated Seneca Falls inspired the founders of Elmira College to "establish a real college for women," an institution whose educational standards would be on a par with those for men.

College is not just a time for preparing to make a living; it is a time for considering how to live, a time for redefining one's understanding of the world, for assessing one's place in that world, and for determining what responsibility one will have for improving that world.

The First Amendment to the Constitution protects speech no matter how offensive its content. The American Civil Liberties Union points out that "speech that deeply offends our morality or is hostile to our way of life warrants the same constitutional protection as other speech because the right of free speech is indivisible: When we grant the government the power to suppress controversial ideas, we are all subject to censorship by the state."

While the First Amendment permits people to say offensive things, it does not protect behavior on campus that is threatening or equals targeted harassment, or that creates a pervasively hostile environment for students or employees, or that is in violation of applicable law. However, while some speech may sound bigoted or offensive to listeners, if it does not rise to the level of harassment or threats or other expressions prohibited by law, it would likely be considered permitted speech. Such distinctions can be quite close, and Elmira College understands that determining when conduct crosses the line from free expression to targeted threats can be a difficult question requiring a case-by-case examination.

The Supreme Court allows for public institutions to place content-neutral 'time, place, and manner' restrictions on otherwise acceptable free speech. As a private College, we have chosen to follow this guidance and place only carefully limited restrictions on campus speech. The educational mission of the College demands an environment where the free expression and exchange of ideas fosters but does not disrupt student learning.

Policy Statement

Elmira College supports the rights of all members of our community to express their views and to peacefully and lawfully protest against actions and opinions with which they disagree. Yet the right to free speech and expression is not absolute. The Supreme Court has made several exceptions to the expression of free speech, and some forms of speech may be limited, banned, or prosecuted. These include obscenity, defamatory speech such as libel or slander, threats of violence to a person or group of people, false advertising, and what are called “fighting words,” or speech that is meant to incite an immediate retaliation from the audience. Elmira College bans these types of speech. In addition, human and civil rights laws, including the New York State Human Rights Law and Title VI of the Civil Rights Act of 1964, demand that institutions maintain a harassment-free environment for all students and employees, specifically those who belong to one of the protected classes named in these statutes.

Elmira College students, faculty, and staff are expected to uphold the values that drive the College’s mission to provide a collaborative and supportive environment that enables students to become active learners, effective leaders, responsible community members, and globally engaged citizens. Each member of the Elmira College Community is expected to balance their right to freedom of speech with the need to maintain a civil and secure environment where faculty, staff, and students can freely exchange ideas and openly engage in deliberation, debate, and learning.

All members of the EC Community and visitors shall comply with this Policy. This Policy is considered part of the conditions of employment and participation in EC-sponsored events or programs. This Policy applies to speech and expression that takes place on the EC campus, at EC-sponsored events or programs off campus, and while employees and students are traveling and/or studying abroad. This policy also applies to speech and expression that occurs on electronic resources (e.g., EC computers and elmira.edu email accounts) and [official EC social media sites as listed on the College's website.](#)

Members of the Elmira College community who do not conform to this policy will be subject to disciplinary action as outlined in the Student Code of Conduct and Employee Handbook. Campus visitors found in violation of this policy will be asked to leave campus and may be banned from the EC campus and/or events. Violating these terms may also open the speaker to legal action off campus.

Freedom of speech is a cherished and important part of American society and is central to the mission of higher education. Elmira College is committed to supporting speech of all sorts, including speech that might be seen as offensive or unpopular. However, the College is also committed to protecting the rights of members of its community to enjoy an educational experience that is free from harassment. From its founding, Elmira College has been committed to supporting its students’ rights to expression, debate, and the free and respectful exchange of ideas; it continues to support those rights today.